

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00469

Christopher Miles,
Plaintiff,

v.

Bobby Clawson,
Defendant.

Before BARKER, *District Judge*

ORDER

On October 15, 2019, plaintiff Christopher Miles filed this civil rights lawsuit under 42 U.S.C. § 1983. Doc. 2. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Doc. 1.

On October 17, 2019, the Magistrate Judge issued a report and recommendation that plaintiff's case be administratively closed while his criminal charges remain pending. Doc. 3. The report informed plaintiff that the failure to file written objections within 14 days of receipt would bar "*de novo* review by the district judge of those findings, conclusions and recommendations." Doc. 3 (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)). A copy of this report and recommendation was sent to plaintiff's last known address. On October 21, 2019, plaintiff acknowledged receipt. Doc. 4.

More than 14 days have passed since plaintiff received the report and recommendation. *See* Doc. 4. He has not filed any objections. And the court finds "no clear error on the face of the record." *Douglass*, 79 F.3d at 1420.

Accordingly, the report and recommendation is **adopted**. Fed. R. Civ. P. 72(b)(3). The clerk of court is **directed** to

administratively close this case. Plaintiff is permitted to ask the court to place the case back on the active docket when the criminal charges are dismissed or resolved in his favor. If plaintiff is convicted or the criminal charges are resolved against him, then the case should be dismissed pursuant to *Heck v. Humphrey*, 512 U.S. 477, 486 (1994). Furthermore, the case will be dismissed if the court does not hear from plaintiff within two years from the entry of this order.

So ordered by the court on November 15, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge